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January 9, 2023

Via ECF

The Honorable John P. Cronan
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

RE: *Jitendra Vekaria v. Mthree Corporate Consulting, Ltd. et al.*
Case No. 22-cv-03197-JPC

Dear Judge Cronan,

I'm writing on behalf of Defendants Mthree Corporate Consulting, Ltd. ("Mthree"), John Wiley & Sons, Inc. ("Wiley"), and Thomas Seymour ("Seymour") regarding the Court's Order dated January 5, 2023 granting Plaintiff Jitendra Vekaria's ("Vekaria") Letter Motion for Leave to File an Amended Complaint and to extend the time for Defendants Richard Chapman ("Chapman") and ECI Partners, LLP ("ECI") to move to dismiss the Amended Complaint to February 3, 2023. Pursuant to this Order, Vekaria will file his amended complaint by January 12, 2023. Prior to this order, Defendants Mthree and Wiley had filed a now-fully briefed motion to dismiss Plaintiff Vekaria's original complaint. And in its order dated December 9, 2022, the Court set "a single briefing schedule" for the proposed motions dismiss by Defendants Seymour and Chapman, whereby their respective motions were due to be filed by January 13, 2023.

Defendants Mthree and Wiley respectfully ask the Court to recognize their previously filed joint motion to dismiss with respect to the Amended Complaint. Assuming the proposed Amended Complaint that Plaintiff Vekaria attached to his Letter Motion will be filed on January 12, 2023, the same arguments Defendants Mthree and Wiley made with respect to the original complaint will apply to the Amended Complaint as well. It would undoubtedly save both the parties' and the Court's resources to avoid having to re-litigate those same arguments.

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Defendant Seymour respectfully asks the Court to join the schedule set for Defendants Chapman and ECI to move to dismiss the Amended Complaint. Defendant Seymour's motion to dismiss the original complaint is currently due one day after Plaintiff Vekaria's Amended Complaint.

Counsel for Plaintiff Vekaria has agreed to these proposals.

Sincerely,

/s/ Kevin H. Kim

Kevin H. Kim

Senior Counsel - Litigation

The requests are granted. Defendant Richard Seymour shall move to dismiss by February 3, 2023; Plaintiff shall oppose (in a separate opposition or jointly with the other oppositions due by that date) by March 20, 2023; and Seymour shall reply by April 10, 2023. Furthermore, the Court agrees that it may be unnecessary for Defendants MThree Corporate Consulting, Ltd. ("MThree") and John Wiley & Sons, Inc. ("Wiley") to revise the substance of their motion to dismiss, given the minimal amendments in Plaintiff's Proposed Amended Complaint. Nonetheless, to avoid any ambiguity on the docket, once Plaintiff's amended complaint is filed, the Court will dismiss as moot Defendants MThree and Wiley's pending motion to dismiss the original Complaint, since at that point the original Complaint will no longer be operative. Defendants MThree and Wiley may then re-file their original motion to dismiss and supporting memorandum of law, styled as a motion to dismiss the amended complaint, by February 3, 2023; Plaintiff shall re-file his original opposition by March 20, 2023; and Defendants MThree and Wiley shall re-file their original reply by April 10, 2023. In the event any additional arguments or changes to the original filings are appropriate, the parties may file revised briefs in lieu of their original filings.

SO ORDERED
Date: January 11, 2023
New York, New York



JOHN P. CRONAN
United States District Judge